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9 Attorneys for Respondent

10 ROSS WILLIAM ULBRICHT

11  
12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION  
16

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 Approximately 69,370 Bitcoin (BTC),  
Bitcoin Gold (BTG), Bitcoin SV (BSV),  
21 and Bitcoin Cash (BCH) seized from  
1HQ3Go3ggs8pFnXuHVHRytPCq5fG  
22 G8Hbhx,

23 Defendant.  
24  
25

Case No.: CV 20-7811 RS

Assigned to:  
The Honorable Richard Seeborg:  
Courtroom 3, 17th Floor

**DECLARATION OF DAVID A.  
WARRINGTON IN SUPPORT OF  
MOTION FOR AN  
ENLARGEMENT OF TIME TO  
FILE NOTICE OF A CLAIM OR  
OTHERWISE RESPOND TO  
PLAINTIFF'S AMENDED CIVIL  
COMPLAINT**

26  
27 CV 20-7811 RS

28 **DECLARATION OF DAVID A. WARRINGTON IN SUPPORT OF MOTION FOR AN  
ENLARGEMENT OF TIME TO FILE NOTICE OF A CLAIM OR OTHERWISE RESPOND  
TO PLAINTIFF'S AMENDED CIVIL COMPLAINT**

## DECLARATION OF DAVID A. WARRINGTON

I, DAVID A. WARRINGTON, declare as follows:

1. I am over the age of 21 years and have personal knowledge of the matters set forth herein. I am employed by Kutak Rock LLP. My title is Of Counsel. I am representing Ross Ulbricht in a petition for clemency proceeding which bears on the instant above-captioned Forfeiture Action

2. On November 20, 2020, the United States filed an Amended Civil Complaint (ECF No. 9) pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), 981(b), and 21 U.S.C. § 881(a)(6).

3. At issue in the Forfeiture Action is the seizure of approximately 69,370 Bitcoin (BTC).

4. On November 25, 2020, the United States caused copies of the Amended Civil Complaint and related documents as notice of the forfeiture action to be sent to Ulbricht at the United States Penitentiary, USP Tucson. [A true and correct copy of these documents is attached here as Exhibit “A”.]

5. Upon receipt, Ulbricht caused the notice to be sent to me at this firm's Richmond, Virginia office.

6. I have attempted to speak with Ulbricht regarding the notice but have been unable to because I have been informed that USP Tucson has been on lockdown because of the COVID-19 pandemic and I have been informed that Ulbricht's counselor is on vacation until January 3, 2020. [Warrington Decl., par. 6.]

7. I have tried alternative methods of arranging a legal call with no success to date. I am continuing these efforts. [Id.]

8. I contacted the Government prosecutor on this case to ask whether the Government would agree to an extension of time for Ulbricht to file any notice of




1 claim or otherwise respond to the Forfeiture Action, including, *inter alia*, agreeing  
2 with the Government to apply any proceeds of the forfeited property to Ulbricht's  
3 outstanding forfeiture amount, but the Government did not agree to any extension  
4 of time.

5 9. Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or  
6 Maritime Claims and Asset Forfeiture Actions, the deadline for filing a notice of  
7 claim in the forfeiture action is 35 days from the date the notice was sent to  
8 Ulbricht. That deadline is December 30, 2020.

9 10. According to the docket, there have been no previous time  
10 modifications to the case, and he requested extension of time will have no effect on  
11 the schedule of the case.

12 I declare under penalty of perjury under the laws of the State of California and  
13 of the United States that the foregoing statements are true and correct to the best of  
14 my knowledge.

15  
16 Dated: December 30, 2020

17  
18   
19 By: David A. Warrington